

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 TWELFTH STREET SW**  
**WASHINGTON DC 20554**

MEDIA BUREAU  
AUDIO DIVISION  
APPLICATION STATUS: (202) 418-2730  
HOME PAGE: [www.fcc.gov/mb/audio/](http://www.fcc.gov/mb/audio/)

ENGINEER: CHARLES N. (NORM) MILLER  
TELEPHONE: (202) 418-2767  
FACSIMILE: (202) 418-1410  
E-MAIL: [charles.miller@fcc.gov](mailto:charles.miller@fcc.gov)

April 1, 2011

Scott Woodworth  
Edinger Associates  
1875 I Street NW, Suite 500  
Washington, DC 20006

Re: Ohana Broadcast Company II, LLC  
KTBH-FM, Kurtistown, Hawaii  
Facility Identification Number: 164281  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed March 31, 2011, on behalf of Ohana Broadcast Company II, LLC ("OBC"). OBC requests special temporary authority ("STA") to operate Station KTBH-FM with Temporary facilities.<sup>1</sup>

In support of the request, OBC states that Station KTBH-FM has ceased operation from its licensed site due to radio-frequency radiation issues which arose during an FCC inspection in 2008. OBC states that it has located a new site for the station and desires to commence operation at this site with lower power to determine if the site could potentially eliminate the RF issues.

STA requests which involve a change in transmitter site must include four critical elements: (1) Loss of the licensed site must be beyond the licensee's control; (2) STA facilities must continue to provide service<sup>2</sup> to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area<sup>3</sup> without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA. Our review indicates that the proposed STA operation complies with the foregoing criteria. Our review further indicates that Station KTBH-FM has been silent since May 18, 2010, and thus faces the loss of its license if it does not resume broadcast operation on or before May 18, 2011.

---

<sup>1</sup> KTBH-FM is licensed for operation on Channel 271C2 (102.1 MHz) with effective radiated power of 50 kilowatts (H only) and antenna height above average terrain of -63 meters.

<sup>2</sup> For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

<sup>3</sup> For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

Accordingly, the request for STA IS HEREBY GRANTED. Station KTBH-FM may operate with the following facilities:

Geographic coordinates:	19° 38' 14" N, 155° 03' 19" W (NAD 1927)
Channel	271 (102.1 MHz)
Effective radiated power:	0.265 kilowatts (V only)
Antenna height:	
above ground:	14 meters
above mean sea level:	136 meters
above average terrain:	-67 meters

OBC must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310. The authority granted herein is without prejudice as to the Commission's final action with regard to any subsequently filed application for construction permit. Any construction undertaken pursuant to this authority is entirely at OBC's own risk.

This authority expires on **October 1, 2011**.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law upon twelve consecutive months of silence. *See* Pub. Law No. 104-104, 110 Stat. 56, Section 403(1) (1996) and *Order, Silent Station Authorizations*, FCC 96-218 (released May 17, 1996). *See also* *Public Notice, Expedited Processing of Applications Filed by Silent Stations*, DA 96-818 (May 22, 1996). The licensee must notify the Audio Division immediately upon resumption of broadcasting.

**STA Advisory:** Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles N. Miller", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: Ohana Broadcast Company II, LLC